

Butler, David

2011-317-WS
233137

From: Trenholm Walker [gtw@p-tw.com]
Sent: Friday, October 28, 2011 11:31 AM
To: mmolony@ycrlaw.com; Butler, David; Jason Scott Luck; shudson@regstaff.sc.gov
Cc: mmolony@comcast.net; tara.r.odonnell@gmail.com
Subject: RE: Re: RE: Postpone Pre Filed testimony

Dear David and Michael,

KIU will consent to a one week extension to the deadline for the other parties to submit their prefiled testimony provided KIU's deadline for its prefiled rebuttal testimony is extended by a week and provided that the hearing date remains November 30.

KIU consents to the extension on these two conditions as a courtesy to the other parties. My client's consent should not be taken as concurrence in any of the alleged justifications stated in Michael's email. KIU is opposed to a dismissal or delay for reasons that we will expand upon in our response to the motion that will be filed and served within the time allowed by the applicable regulation.

Trenholm
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From: mmolony@ycrlaw.com [mailto:mmolony@ycrlaw.com]
Sent: Thursday, October 27, 2011 11:44 AM
To: David.butler@psc.sc.gov; Molony, Michael; Jason Scott Luck; shudson@regstaff.sc.gov; Trenholm Walker; mmolony@ycrlaw.com
Cc: mmolony@comcast.net; tara.r.odonnell@gmail.com
Subject: Re: Re: RE: Postpone Pre Filed testimony

David: In your capacity as Hearing Officer in this docket, I have attached an e mail string setting forth our request for a one week deferral of filing for the direct and rebuttal testimony of the parties. It should be self-explanatory but if you need something more formal to submit, I will be happy to do so.

I apologize for the e mail but our office is moving today and tomorrow so our normal e mail server is down until this weekend. If you could respond by "reply all" I will be sure to get the e mail on my personal account.

As always, thanks for your consideration of our request.

Michael

Thanks. I will forward the request to David Butler with the understanding that you should have a response by tomorrow. I believe the other intervenors join in the request. If I am incorrect, I would ask that they let me know.

Also, please respond to this e mail by "Reply All" since I cannot pick up e mails sent to our office address on my BlackBerry.

Thanks. Michael

Michael,

I was out of town today and just opened your request. I am meeting with my client Friday and will get back to you after the meeting.

Trenholm

From: O'Donnell, Tara [<mailto:todonnell@ycrlaw.com>] **On Behalf Of** Molony, Michael
Sent: Wednesday, October 26, 2011 9:10 AM
To: Molony, Michael; Jason Scott Luck; shudson@regstaff.sc.gov; Trenholm Walker
Subject: RE: Postpone Pre Filed testimony

Please see the email below from Michael Molony. Thank you Tara

From: Molony, Michael
Sent: Wednesday, October 26, 2011 9:06 AM
To: 'Jason Scott Luck'; 'Shannon Bowyer Hudson (shudson@regstaff.sc.gov)'; 'twalker@p-tw.com'
Subject: Postpone Pre Filed testimony

I would propose (and solicit your consent) to a one week delay of pre-filing testimony in the rate proceeding. I ask that we do so for the following reasons.

First, given the pending Motion to Dismiss, the election results from the Town election yesterday, a delay in the hearing schedule would allow all parties the opportunity to respond to the Motion to Dismiss, give the Commission time to review and rule on the Motion and not inordinately affect the ability of all parties to prepare for the hearing, including the PSC staff.

Second, the attendant costs/time involved in the preparation and review of direct and rebuttal testimony by all parties to the proceeding will be substantial and may not be necessary depending on the ruling of the PSC on the Motion to Dismiss.

Third, a one week delay in the intervenor, ORS direct testimony and Applicant rebuttal testimony should not require a delay in the hearing schedule. Further, the postponement would still provide ample time for all parties to prepare for the hearing, including the PSC staff.

Please let me know if you are willing to consent to this request by a response to this e mail. I would appreciate an early AM response so we can communicate this to David Butler who has been assigned the task of Hearing Officer. He may want to convey this to the Commission at their weekly meeting this morning.

Michael

PS: On a personal note, we are moving our offices the rest of this week and will not be up at our new facility until late Monday. While we are prepared to meet the current date for pre filed testimony, although it may pose some issues with respect to accessing our computer system in finalizing the testimony. M

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